IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO :11092 of 1999

DATED: 22.12.2005

Between:

Mohd Nishar Ahmed petitioner

And

The Government of A.P.,

Rep by its Secretary, Education, Secretariat,

Hyderabad & another Respondents

THE HON'BLE SRI JUSTICE N.V.RAMANA

WRIT PETITION NO. 11092 OF 1999

ORAL ORDER:

This writ petition was filed challenging the instructions issued vide G.O.Ms.no. 420 Education (UE.I-1) Department dated 18.11.1995 in so far as deleting Arabic, Islamic, Persian and Urdu subjects from the roster points and the notification issued vide Advertisement No.E.11(2)/ Advt/OTHERS/ 99(3) dated 12.4.1999 inviting applications for the post of Professors, Associate Professors and Assistant Professors in the respondent University in so far as not following the Rule of

Reservation.

Learned counsel for petitioner submits that the petitioner belongs to B.C.-B caste and possesses the qualification of M.A., M.Phil and fully eligible for appointment to the post of Assistant Professor in Urdu and action of respondents in not following the Rule of Reservation is detrimental to the petitioner and sought for a direction to respondents to follow the Rule of Reservation for appointment to the post of Assistant Professor- Urdu.

A counter affidavit was filed on behalf of second respondent denying the allegations made by petitioner and specifically stating that the petitioner is not even qualified to apply for the post of Assistant Professor in as much as the minimum qualification is that a person should possess the Post Graduation Degree in the concerned subject with 55 % of marks and should have qualified for NET/SLET or should possess the qualification of M.Phil/Ph.D before 1993. It is further stated that as per the own admission made by the petitioner, he has passed the Post Graduation in the year 1992 and acquired the qualification of M.Phil only in the year 1996.

Learned Standing Counsel for second respondent submitted that pursuant to the directions of Division Bench of this Court in W.P No. 4648 of 2004 and batch dated 22.6.2004, the impugned notification dated 12.4.1999 was cancelled vide proceedings letter No.8225/UE.I.1/2002-2 dated 8.10.2002 and a fresh notification was issued and in view of the same, the cause in the writ petition does not survive and it has become infructuous.

The Division Bench of this Court in the above batch of writ petitions dated 22.6.2004, issued the following directions;

1. *The University shall now assess the present vacancy position in all the teaching posts and issue fresh notification keeping in view the reservation made to various categories of persons within a period of six (06) weeks from today and thereafter further process shall be taken and the entire process of selections shall be completed within a period of four (04) months from the date of the issue of the notification. The reservations which are available to physically handicapped also shall be taken into consideration while notifying the vacancies.*

2. *The persons who had already responded to the earlier nine notifications need not submit fresh applications and they should be given opportunity to participate in the selection process afresh.*

Since the impugned notification dated 12.4.1999 itself was cancelled and a fresh notification was issued, without going into the controversy of eligibility of the petitioner or otherwise, the writ petition is dismissed as infructuous. No costs.

N.V.RAMANA,J

22.12.2005

TVK

THE HON'BLE MR JUSTICE N.V. RAMANA

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